

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-27 are pending. Claims 1-9 and 15-27 have been amended. No claims have been canceled or added. No new matter has been added.

Claims 21–27 stand rejected as being obvious, under the judicially created doctrine of double patenting, as being unpatentable over claims 15-20 of co-pending Application No. 09/981,673. Claims 1–27 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hooper et al., (Hooper) U.S. Patent No. 5,414,455.

Double Patenting Rejection

In response to the provisional rejection of claims 21 – 27 under the judicially created doctrine of double patenting, it is requested that the rejection be held in abeyance until this application is otherwise deemed to be allowable.

Section 112 Rejections

Applicants note that the Examiner did not respond to Applicants' arguments in their last response (filed on 11/1/2005) regarding the 35 U.S.C. § 112 rejection. Applicants respectfully maintain that this rejection is improper with respect to all of the rejected claims.

From the Examiner's explanation of this rejection (Office Action, pages 3-5), it appears that the Examiner has confused the definiteness requirement of section 112, second paragraph, with the enablement requirement of section 112, first paragraph. The purpose of a patent claim is not to teach or describe the features of the invention, but rather, to define the scope of "the subject matter which the applicant regards as his invention". 35 U.S.C. § 112(2)(emphasis added). This must not be confused with the enablement requirement of section 112, first paragraph, which applies only to the description.

The test for whether a claim meets the definiteness requirement is "whether one skilled in the art would understand the bounds of the claim when read in light of the specification." Personalized Media Communications v. Int'l. Trade Comm'n., 161 F.3d 696, 705, 48 U.S.P.Q.2D (BNA) 1880, 1888 (Fed. Cir. 1998)(emphasis added). As long as one of ordinary skill in the art would understand the scope of the subject matter in the claims, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph. Id.; MPEP 2173.04, citing In re Miller, 441 F.2d 689, 169 U.S.P.Q. 597 (CCPA 1971). Furthermore, the mere fact that a claim is broad does not make the claim indefinite." Id.

None of the omitted details which the Examiner contends make the claims indefinite (by their absence) need to be recited in the claims in order for one of ordinary skill in the art to understand the scope of what

Applicants regard as their invention. The scope of all of the claims is quite clear, both in their current form and in their form prior to this amendment.

More specifically:

Although claim 1 does not specify a source for the media stream, the scope of the claim is nonetheless clear. In practice, the media stream may be received from any of a variety of sources, such as, for example, from a content server via a network. Furthermore, specifying, in claim 1, a particular source of the media stream would unnecessarily narrow claim 1. Thus it is requested that the objection be withdrawn.

Although claim 1 does not specify the location of the data object files, the scope of the claim is nonetheless clear. In practice, a plurality of data object files may be stored in various locations within the cache memory. Therefore, specifying, in claim 1, a particular location of the data object files would unnecessarily narrow claim 1. Thus it is requested that the objection be withdrawn.

Although claim 1 does not specify the location of the file system, the scope of the claim is nonetheless clear. In practice, a file system may be stored in various locations within the cache memory. Therefore, specifying, in claim 1, a particular location of the file system would unnecessarily narrow claim 1. Thus it is requested that the objection be withdrawn.

Regarding objections to claim 8, Examiner is respectfully requested to consider the following remarks.

Although claim 8 does not specify where the data objects are coming from, the scope of the claim is nonetheless clear. In practice, the data objects recited in claim 8 may be generated utilizing a variety of techniques well known in the art. Therefore, specifying, in claim 8, a particular method of providing the data objects would unnecessarily narrow claim 8. Thus it is requested that the objection be withdrawn.

It is submitted that claim 8 recites “encoding of the media data” being a property of a media stream. Claim 8 does not recite an operation of “encoding of the media data.” Although claim 1 does not specify who is encoding the media data and where it is being done, the scope of the claim is nonetheless clear. In practice, encoding of the media data may be performed at a variety of sources (e.g., at the content provider’s site) and may be performed utilizing a variety of techniques that are well known in the art. Therefore, specifying, in claim 8, a particular location or technique associated with encoding of the media data would unnecessarily narrow claim 8. Thus it is requested that the objection be withdrawn.

Although claim 8 does not specify where the object handle is located, the scope of the claim is nonetheless clear. In practice, an object handle may be stored in various locations within the cache memory. Therefore, specifying, in claim 8, a particular location of the data object files would unnecessarily narrow claim 8. Thus it is requested that the objection be withdrawn.

Although claim 8 does not specify the source of the second plurality of data objects the scope of the claim is nonetheless clear. In practice, the data

objects recited in claim 8 may be generated utilizing a variety of techniques well known in the art. Therefore, specifying, in claim 8, a particular method of providing the data objects would unnecessarily narrow claim 8. Thus it is requested that the objection be withdrawn.

Although claim 8 does not specify who is encoding the media data and where it is being done, the scope of the claim is nonetheless clear. In practice, claim 8 recites “a second encoding of the media data” being a property of a media stream. Claim 8 does not recite an operation of “encoding of the media data.” Additionally, encoding of the media data may be performed at a variety of sources (e.g., at the content provider’s site) and may be performed utilizing a variety of techniques that are well known in the art. Therefore, specifying, in claim 8, a particular location or technique associated with a second encoding of the media data would unnecessarily narrow claim 8. Thus it is requested that the objection be withdrawn.

Regarding objections to claim 15, Examiner is respectfully requested to consider the following remarks.

Although claim 15 does not specify where the first source media is coming from, the scope of the claim is nonetheless clear. In practice, a first source media may be associated with a variety of sources, such as, for example, a content server. Therefore, specifying, in claim 15, a particular source of a first source media would unnecessarily narrow claim 15. Thus it is requested that the objection be withdrawn.

Although claim 15 does not specify where the second source media is coming from, the scope of the claim is nonetheless clear. In practice, a second source media may be associated with a variety of sources, such as, for example, a content server. Therefore, specifying, in claim 15, a particular source of a second source media would unnecessarily narrow claim 15. Thus it is requested that the objection be withdrawn.

Although claim 15 does not specify the location of tangible media, the scope of the claim is nonetheless clear. In practice, the location of tangible media may include a variety of locations, such as, for example, memory associated with the computer system. Therefore, specifying, in claim 15, a particular location of tangible media would unnecessarily narrow claim 15. Thus it is requested that the objection be withdrawn.

Although claim 15 does not specify where the object handle is located, the scope of the claim is nonetheless clear. In practice, an object handle may be stored in various locations within the cache memory. Therefore, specifying, in claim 15, a particular location of the data object files would unnecessarily narrow claim 15. Thus it is requested that the rejection be withdrawn.

For the above reasons, therefore, the rejections under 35 U.S.C. §112, second paragraph, are improper and should be withdrawn.

Section 102 Rejections

Claims 1 and 21

Claim 1 has been amended only to place the claim in what Applicants consider to be better form and not in response to any of the rejections. No amendments are believed to be necessary in view of the rejections. Claim 1, as amended, recites:

1. (Currently amended) A cache memory device configured for media data streaming, the cache memory device comprising a memory and a processor configured to store in said memory: **a session data file configured to store properties of a media stream including media data**, wherein the properties include one or both of: an encoding scheme of the media stream and a duration of the media stream; and **a plurality of data object files**, each data object file individually and directly accessible by a file system, **each data object file comprising a data object configured to store a portion of the media data of the media stream**. (Emphasis added.)

Hooper is directed at a segmented video "on demand" system. Hooper discloses using a memory buffer to store a segment of a selected video, where the segment includes a predetermined time interval of the selected video. Col. 2, lines 3-6.

Hooper fails to disclose or suggest that various portions of a particular media stream (note the terms "a media stream" and "the media stream" in claim 1) may be stored in separate data object files, as recited in claim 1. Hooper certainly does not disclose or suggest "a session data file configured to store properties of a media stream" and "a plurality of data object files, ... each data object file comprising a data object configured to store a portion of the media data of the media stream". On the

contrary, it appears that a video in Hooper comprises a single file, as opposed to “a session data file” and “a plurality of data object files” recited in claim 1.

Moreover, Hooper provides no motivation or hint as to why it would be desirable to use an approach such as recited in claim 1. Because Hooper fails to disclose or suggest each and every element of claim 1, claim 1 and its dependent claims are patentable in view of Hooper and should be allowed.

The Examiner's response to Applicants' previous arguments on pages 9-11 of the Final Office Action are believed to be moot in view of the above remarks. Nonetheless, Applicants would like to respond as follows.

First, it is not apparent how the Examiner was mapping Hooper's disclosure onto Applicants' claim language on pages 9-10, paragraph “(A)”, of the Final Office Action. The Examiner simply summarizes aspects of Hooper's disclosure but does not state how that disclosure maps to individual claim limitations (e.g., what element in Hooper represents the recited “session file”, what represents the recited “data object files”, etc.). The Examiner's characterization of Hooper does not appear to track Applicants' claim language at all. Applicants respectfully submit that even if the Examiner's characterization of Hooper is correct, Hooper still does not come close to disclosing or suggesting the present invention, as claimed.

Also, on page 11, paragraph “(C)”, of the Final Office Action, the Examiner contends that “the features upon which applicant relies (i.e., various portions of the video may appear in separate files) are not recited in the rejected claim(s).”

However, in the particular sentences which the Examiner is focusing on, Applicants were referring to the disclosure of Hooper, not to their claim language (although clearly the overall purpose was to show how Hooper contrasts with the claimed invention). The Examiner appears to be ignoring the substantive point that Applicants clearly made and focusing on a triviality.

For at least the above reasons, therefore, claim 1 and all claims which depend on it are believed to be patentable over the cited art.

Claim 21 contains similar limitations to those in claim 1 discussed above and, therefore, is patentable for similar reasons along with its dependent claims.

Claim 8

Claim 8, as amended, recites:

8. (Currently amended) A method for storing in a cache memory, media data to be output as streaming media, the method comprising:

storing a **first plurality of data objects** in the cache memory, the first plurality of data objects configured **to store a first plurality of data associated with a first encoding of a media stream**, wherein each data object of the first plurality of data objects is **directly addressable in the cache memory via an associated object handle**, and wherein each data object of the first plurality of data objects is **configured to store a portion of data of the media stream**; and

storing a **second plurality of data objects** in the cache memory, the second plurality of data objects configured **to store a second plurality of data associated with a second encoding of the media stream**, wherein each data object of the second plurality of data objects is **directly addressable in the cache memory via an associated object handle**, and wherein each data object of the

second plurality of data objects is configured to store a portion of data of the media stream. (Emphasis added.)

As discussed above regarding claim 1, Hooper fails to disclose or suggest a plurality of data objects, each configured to store a portion of data of a particular media stream. For at least this reason, claim 8 is also patentable over the cited art.

In addition, there is no disclosure or suggestion in Hooper that the same media stream may be associated with more than one encoding scheme. Thus, Hooper fails to disclose or suggest “storing ... a first plurality of data associated with a first encoding of a media stream” and “storing ... a second plurality of data associated with a second encoding of the media stream”, as recited in claim 8 (emphasis added).

Furthermore, the sections of Hooper cited in the Office Action do not disclose or suggest data objects that are “directly addressable in the cache memory via an associated object handle,” as recited in claim 8, nor are such features found elsewhere in Hooper.

The Examiner’s response to Applicants’ previous arguments on page 10, paragraph “(B)”, of the Final Office Action are believed to be moot in view of the above remarks. Nonetheless, Applicants would like to point out what appears to be a clear inaccuracy in the Examiner’s remarks. The Examiner contends that “the features upon which applicant relies (i.e., first encoding and the second encoding are of the same media data) are not recited in the rejected claim(s).” That statement is clearly incorrect. Claim 8, prior to this amendment, recited “a first encoding of the media data” and “a second encoding of the media data”

(emphasis added), thus clearly reciting first and second encodings of the same media data. Note that these claim limitations have now been amended to be “a first encoding of the media stream” and “a second encoding of the media stream”, respectively (emphasis added), to provide greater clarity.

For at least the above reasons, therefore, claim 8 and all claims which depend on it are believed to be patentable over the cited art.

Claim 15

Claim 15, as amended, recites:

15. (Currently amended) A machine-readable storage medium for use in a processing system that includes a processor and a memory, the storage medium having stored thereon:

code that directs the processor to store a first plurality of data associated with an encoding of a first media stream in a first plurality of data objects in the memory,

wherein each data object of the first plurality of data objects is addressable in the memory by the processor via an associated first object filename, and **wherein each data object of the first plurality of data objects is configured to store a portion of data from the first media stream;** and

code that directs the processor to store a second plurality of data associated with an encoding of a second media stream in a second plurality of data objects in the memory, wherein each data object of the second plurality of data objects is addressable in the memory by the processor via an associated second object filename, and **wherein each data object of the second plurality of data objects is configured to store a portion of data from the second media stream.** (Emphasis added.)

As discussed above regarding claims 1 and 8, Hooper fails to disclose or suggest a plurality of data objects, each configured to store a portion of data of a particular media stream. For at least this reason, claim 15 is also patentable over the cited art.

Furthermore, Hooper fails to disclose or suggest that each such data object is "addressable in the cache memory via an associated object filename," as recited in claim 15.

For at least the above reasons, therefore, claim 15 and all claims which depend on it are believed to be patentable over the cited art.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: April 10, 2006

/Jordan M. Becker/

Jordan M. Becker
Reg. No. 39,602

Customer No. 48102
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300